APPENDIX A. ALCOHOLIC BEVERAGE OUTLET REGULATIONS

Alcoholic beverages in the City of New Orleans are regulated in a number of ways in the Comprehensive Zoning Ordinance (CZO). The CZO makes a distinction in terms of the retail sale of alcoholic beverages for consumption on- or off-premises as described below.

RETAIL SALE OF ALCOHOLIC BEVERAGES

The sale of alcoholic beverages for consumption off-premises is regulated as a separate use. This means that in order for a retail goods establishment to sell alcohol, the use "retail sales of alcoholic beverages" must be allowed in the district either as a permitted or conditional use, and the applicant must receive approval for that use. In the majority of districts, "retail sales of alcoholic beverages" is a conditional use.

ON-PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES

Consumption of alcoholic beverages on premise is tied directly to two uses – "bars" and "standard restaurants" – where alcoholic beverage service is permitted by-right. Standard restaurants are those classified as having sit-down service, generally defined as restaurants where customers select from menus and orders are taken by wait staff. The CZO provides for other types of restaurants, such as fast food, carry-out and specialty (PJs Coffee, gelato shops, etc.) restaurants. These other types of restaurants are not permitted to sell alcohol.

Bars and restaurants also have a series of use standards that must be met in order to serve alcoholic beverages. Key requirements are an impact management plan that describes how parking, security, litter and noise impacts will be managed and an operation plan that describes hours of operation, size, lighting and occupancy.

In addition, the following uses are permitted to sell alcoholic beverages for consumption on-premises when they are open to the public for an event. These are:

- Arenas
- Stadiums
- Fairgrounds
- Live Performance Venues

One additional use – indoor amusement facilities - are permitted the sale of alcoholic beverages for consumption on-premises under certain conditions. When a "bar" or "standard restaurant" is allowed in the same district as the indoor amusement facility, this use may serve alcohol on-premises for consumption if separate approval is obtained for the "bar" or "standard restaurant." An example of an indoor amusement facility would be a bowling alley. The bowling alley, if it wanted to include a bar area, requires approval for both an "indoor amusement facility" and a "bar." Indoor amusement facilities are allowed to have snack bars and restaurants that do not serve alcohol as part of the use (i.e., no separate approval needed).

NEW ORLEANS CITY CODE REQUIREMENTS

In addition to the regulations of the CZO, the City Code also contains additional regulations that alcoholic beverage outlets must comply with. These are included below for reference purposes only. Please refer to the City Code for the most current regulations.

Sec. 10-236. - Restrictions as to property near schools, churches, etc.

(a) It is hereby declared the sense and policy of this section and section 10-238 that no permit shall be granted for the opening of any barroom, saloon, cabaret or other place where alcoholic beverages are sold at retail, to be consumed on the premises within 300 feet of any playground, church, public library, or school. Exempted from these provisions are the following:

- (1) Those nonprofit organizations operating upon any city playground or park which sells low content alcoholic beverages during scheduled athletic recreational and/or festival events under a concession rights agreement issued by the department of recreation;
- (2) Those nonprofit church or school related or associated organizations or groups which conduct on such church or school property fairs, festivals, meetings or other similar events under and by the authority of the church or school, whose proceeds are used or intended to be used for the benefit of the related church or school;
- (3) Any person or corporation who are within the 300-foot prohibited limit, and who obtain by approval of a sworn affidavit of not less than 75 percent of the property owners within such 300 feet, and, which approval, if accompanied by a plan duly signed and dated by licensed surveyor or engineer, shall contain the location of the proposed business, together with the designation on such plan of the proper names, addresses and conveyance office book acquisition of such property by such owners.
- **(b)** The word "school" as used in this section shall not include a school for business education conducted as a business college or school within the city.

(Code 1956, § 5-45)

(Cross reference - Streets, sidewalks and other public places, ch. 146.)

Sec. 10-237. - Restrictions on package liquor stores near churches, schools, etc.

- (a) No permit shall be granted for opening of any package house or package liquor store within 300 feet of any playground, church, public library, school, funeral home, or mortuary.
- (b) The provisions of this section shall not apply to a package liquor store where the wholesale cost of package liquor stocked and displayed does not exceed 15 percent of the wholesale cost of other merchandise stocked and displayed and where package liquor display does not constitute more than ten percent of all display area and where package liquor is not advertised outside or off the premises. Any permit obtained under this subsection shall be limited to the type or types of establishments represented in the original application. A sworn statement of continued use shall be required before each periodic renewal of such license and the operation of any additional type or variation of type shall be a violation of this section and cause for the immediate revocation of such license by the department of finance.
- (c) The provisions of this section shall not apply to package liquor store locations which are licensed to sell alcoholic beverages on the effective date of the ordinance from which this section was derived and which are continuously operated as such with no lapse in the operation for a period in excess of six consecutive months.
- (d) The 300-foot distance provided for in this section shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library, school, funeral home, or mortuary to the nearest point of the premises to be licensed.

(Code 1956, § 5-45.01)

Sec. 10-238. - How distance measured.

- (a) The 300-foot distance provided for in section 10-236 shall be measured as a person walks, using the sidewalk, from the nearest point of the property line of the playground, church, public library or school, to the nearest point of the premises to be licensed.
- (b) Any permit issued to such business prior to the adoption of this and the preceding sections shall not be affected save and except that such prior existing businesses shall not face any public playground, unless such business was in operation prior to the establishment of the playground.

- (c) It shall be unlawful for any person or any other legal entity who is engaged in the operation of any barroom, saloon, cabaret or other place where alcoholic beverages are sold at retail, to be consumed on the premises, to keep or allow to be kept any benches or seats on the sidewalks in the vicinity of any such business establishment.
- (d) If a retail or wholesale business has an interruption of the continuity of business for a period in excess of six months, in order to reopen for business, the requirements set forth above must be complied with.
- (e) The restrictions contained in this section do not apply to premises which were maintained continuously as a bona fide hotel, railway car or fraternal organization for a period of one year prior to the passage of Ordinance No. 18,537, C.C.S.

(Code 1956, § 5-46)

State law reference - Similar provisions, R.S. 26:81, 26:281.

Sec. 10-239. - Section 10-236 not applicable to hotels, etc.

The restrictions contained in section 10-236 do not apply to premises which are maintained as a bona fide hotel, restaurant, fraternal organization, bus terminal or railroad station, nor to any premises licensed to deal in alcoholic beverages for a period of one year prior to May 1, 1953.

(Code 1956, § 5-47)

Secs. 10-240-10-260. - Reserved.

DISTRICT PERMISSIONS

The table on the following pages shows which districts allow for the sale of alcohol for consumption onand off-premises. The key categories are "retail sales of alcoholic beverages," "bars" and "standard restaurants." For reference, permissions for "indoor amusement facility" uses are also shown.

OPEN SPACE	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility		
OS-N	Develages			1 domey		
OS-G						
OS-R			С	С		
CZ	+		U U	U		
-						
NA						
ESD						
RURAL	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility		
R-RE						
M-MU	С		Р			
HISTORIC CORE	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility		
VCR-1						
VCR-2						
HMR-1						
HMR-2						
HMR-3						
VCC-1	С		Р			
VCC-2	C	С	P			
VCE-2		C	P	Р		
		C	P	P		
VCE-1	0					
VCS	C	С	P	Р		
VCS-1	С	С	Р	Р		
VCP						
HMC-1	С	С	Р			
HMC-2	С	С	Р	С		
HMLI	С	С	Р	С		
HISTORIC URBAN	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility		
HU-RS1				_		
HU-RD1						
HU-RD2						
HU-RM1						
HU-RM2						
			P			
HU-B1A						
HU-B1			P	Р		
HU-MU SUBURBAN	C Retail Sales of Alcoholic Beverages	C Bar	P Restaurant, Standard	P Indoor Amusement Facility		
S-RS1						
S-RD1						
S-RM1			+			
			+			
S-RM2E			1			
S-LRS1						
0.1500	1					
S-LRS2						
S-LRS3						
S-LRS3 S-LRD1						
S-LRS3						
S-LRS3 S-LRD1						
S-LRS3 S-LRD1 S-LRD2 S-LRM1						
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2	C		P	P		
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1	C	C	P	P		
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2	С	C	Р	P P		
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2 S-LB1	C C	С	P C			
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2 S-LB1 S-LB2	C C	C C	P C P			
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2 S-LB1 S-LB2 S-LB2 S-LC	C C	С	P C			
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2 S-LB1 S-LB2 S-LB2 S-LC S-LP	C C C	C C C	P C P	P		
S-LRS3 S-LRD1 S-LRD2 S-LRM1 S-LRM2 S-B1 S-B2 S-LB1 S-LB2 S-LB2 S-LC	C C	C C	P C P			

DESTINATION	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility
C1	С	С	Р	Р
C2	С	Р	Р	Р
C3	Р	Р	Р	Р
MU-1	С	С	Р	Р
MU-2	С	Р	Р	Р
EC			Р	Р
MC			Р	
MS			Р	
INDUSTRY	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility
LI	Р	Р	Р	
HI	Р	Р	Р	
Mi		Р	Р	
BIP	С	Р	Р	
LS	С	Р	Р	
CBD	Retail Sales of Alcoholic Beverages	Bar	Restaurant, Standard	Indoor Amusement Facility
CBD-1	С		Р	Р
CBD-2	С		Р	Р
CBD-3	С		Р	Р
CBD-4	С		Р	Р
CBD-5	С		Р	Р
CBD-6	С		Р	